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REPORT
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PROMOTING THE DEVELOPMENT OF NATIVE AMERICAN ART AND CULTURE

MAY 29, 1986.—Ordered to be printed

Filed under authority of the order of the Senate of May 21 (legislative day, May 19), 1986

Mr. ANDREWS, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 1622]

The Select Committee on Indian Affairs, to which was referred the bill (S. 1622) to promote the development of Native American culture and art, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

The amendment is an amendment in the nature of a substitute.

PURPOSE

The purpose of the bill is to create a National Institute of Native American Culture and Arts Development by removing the existing Institute of American Indian Arts from the administration of the Bureau of Indian Affairs and placing it under the governance of an autonomous Board of Directors. The new Institute will have the status of an independent agency and will be tax exempt. The goal of the legislation is to create an institutional structure that will more effectively foster, promote and support the development of Native American Art and Culture.

BACKGROUND

This legislation was arrived at as a possible solution to the problems which beset the Institute of American Indian Arts in Santa Fe, New Mexico. It is the only national junior college offering an

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education to all tribes in the field of culture and art of the Native American. It was established in 1962, at the site of an industrial vocational school which was originally established for "Pueblo and other Indians" in 1890.

An audit conducted in June of 1979 by the Inspector General of the Department of the Interior reported that the Institute was severely underutilized. The enrollment was down to 140 from a high of 320 in 1976–77 and the cost per pupil was $13,096—almost double the comparable figures for the BIA's other post secondary schools.

On March 1, 1979, the All Indian Pueblo Council entered the picture when it applied to contract with the BIA for operation of the Institute's campus. The All Indian Pueblo Council intended to use the facilities to house its Albuquerque Indian School, due to the fact that many of the buildings on that campus were condemned. The All Indian Pueblo Council believed that the school was established in 1890 for Pueblos and should return to its original purpose. The Pueblo Council was denied the contract because of a provision in the Indian Self-Determination Act which precluded the BIA's consideration of the contract application without the approval of each tribe served by the Institute of American Indian Arts.

The BIA, under the direction of Assistant Secretary Forrest Gerard, was sensitive to the needs of the Pueblo students. On July 11, 1979, Gerard issued a statement that grades 10 through 12 of the Albuquerque Indian School would be transferred to Santa Fe to share the campus with the Institute students. At the same time, he announced that he would appoint a review team to study the future of the Institute of American Indian Arts. This was facilitated with the support of the New Mexico Congressional delegation. The BIA reported that it was considering transferring the functions of the Institute of American Indian Arts to Haskell Junior College in Kansas, so that the Pueblo Council would eventually have access to the entire Institute campus.

By this time, many groups of Indians and non-Indians nationwide, became increasingly aware that the fate of the Institute of American Indian Arts might be decided quickly and not in the best interests of the Institute itself. Congressman Sidney Yates chaired a House Interior Appropriations Subcommittee hearing on the status of the Institute on September 6, 1979, at which time support for the continued existence of the Institute at Santa Fe was voiced from a wide range of witnesses. Yates was wary of the BIA's commitment to the Institute and its ability to provide a quality education for the students.

During 1979–80 and 1980–81 school years, the facility in Santa Fe was shared by the 10th, 11th and 12th grade Pueblo students and the Arts students.

Shortly after the election in November, 1980, the Pueblo leadership made a concerted effort to convince the Reagan Interior Department transition team and later Secretary Watt to transfer the entire IAIA facility to the Pueblos for use as a high school including grades 7 through 12.

Finally, on June 24, 1981, the Pueblos were successful and Secretary Watt announced that the Institute of American Indian Art would be moved for the 1981–82 school year to the nearby campus

of the College of Santa Fe. Secretary Watt approved a 1 year contract with the College of Santa Fe to allow IAIA to use the college facilities. This is, according to an Interior Department news release, a short-term solution. The "long-term future of the school" will be decided after "seeking advice of knowledgeable artists, education administrators, tribal leaders and others."

In the intervening years since 1981, the BIA's administration of the school has continued to decline and public support for legislation designed to improve and expand the ability of the Institute to foster and promote the development of Indian art and culture has increased. Present staff at the Institute have grown increasingly frustrated with the administration of the school by the BIA; the student body strongly supports S. 1622; numerous tribal leaders and members as well as members of the National Indian Art community have contacted the Senate Select Committee on Indian Affairs and individual sponsors to urge passage of this legislation.

A critical element of S. 1622, as far as the school administration is concerned, is the provision which establishes an independent Board of Directors to govern the school. This meets standard post-secondary educational requirements for appropriate governance which will help the Institute gain full fledged acceptance and recognition within the overall higher education community. S. 1622 also incorporates a tax exempt provision which will make it possible for the new Institute to seek and accept charitable gifts and donations as a means of strengthening the Institute's budget.

LEGISLATIVE HISTORY

The concept addressed in S. 1622 was first proposed in 1969 by the Senate Special Subcommittee on Indian Education. Similar versions of this bill (S. 792 and S. 2166) were passed by the Senate in the 96th and 97th Congress; however, until this session, the House has not acted on a companion bill.

Senator Melcher introduced S. 1622 on September 11, 1985 and it is cosponsored by Senators Domenici, Andrews, Goldwater, Inouye, Matsunaga, Bradley, Simon, Cochran, and DeConcini.

The House Education and Labor Committee included a similar version of S. 1622 as an amendment to H.R. 3700, the Higher Education Act which passed the House on December 4, 1985.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTE

The Select Committee on Indian Affairs, in open business session on May 14, 1986, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1622, with an amendment in the nature of a substitute.

COMMITTEE AMENDMENTS

The Committee recommends an amendment in the nature of a substitute.

SECTION-BY-SECTION ANALYSIS

S. 1622 as amended by an amendment in the nature of a substitute:

Sec. 1, is the enabling clause which entitles the Act as the "Native American Culture and Art Development Act."

Sec. 2, describes the importance of Native American art and culture and states that the Federal government desires to establish a National Institute of Native American Art in order to preserve, support, revitalize and disseminate Native American art and culture.

Sec. 3, provides definitions of the terms, Native American Art and Culture, Institute, Native American, Native Hawaiian, Indian Tribe, Secretary, and Board.

Sec. 4, establishes a corporation for the Institute, chartered by Congress and subject to change only with Congressional approval.

Sec. 5, establishes a Board of Trustees for the Institute, and describes its composition, appointment and authorities for the administration of the Institute

Sec. 6, enumerates the duties of the President and employees.

Sec. 7, enumerates the powers of the Institute as provided by the Statute including adopting a corporate seal; to enter into agreements and contracts; to sue and be sued and enter into other court proceedings; to utilize and pay for services, property and facilities of executive branch; to use the U.S. mails; to obtain insurance; to obtain experts and consultants; to solicit gifts and contributions; to receive grants; to acquire and hold real estate for purposes of the Institute; and generally to carry out the provisions of the Institute.

Sec. 8, enumerates the primary functions of the Institute as follows: to provide instruction; to award degrees; to establish special centers (Culture and Art Studies, Research and Cultural Exchange and Inter-institutional cooperation); to foster research and scholarships; to complement tribal progams; and general coordination.

Sec. 9, authorizes the Institute to extend Indian preference in areas of admissions, employment, contracts and grants.

Sec. 10, prohibits the issuance of stock or payment of dividends and establishes non-political nature of the Institute.

Sec. 11, establishes the tax exempt status of the Institute.

Sec. 12, transfers all personnel, property and liabilities to the Institute from the Bureau of Indian Affairs.

Sec. 13, requires the Institute to submit an annual report to Congress.

Sec. 14, maintains the site of the Institute at Santa Fe, New Mexico and authorizes the Secretary to enter into negotiations with appropriate parties to make this possible.

Sec. 15, requires the Institute to comply with applicable public laws.

Sec. 16, authorizes $4,000,000 to carry out the law in 1987 and such sums as necessary thereafter.

COST AND BUDGET CONSIDERATIONS

The cost estimate for S. 1622, as amended, as provided by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1986.

Hon. MARK ANDREWS,
Chairman, Select Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1622, the Native American Culture and Art Development Act, as ordered reported by the Senate Select Committee on Indian Affairs on May 13, 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

MAY 21, 1986.

1. Bill number: S. 1622.

2. Bill title: The Native American Culture and Art Development Act.

3. Bill status: As ordered reported by the Senate Select Committee on Indian Affairs, May 13, 1986.

4. Bill purpose: To establish a national Institute of Native American Culture and Arts Development.

5. Estimated cost to the Federal Government:

[In millions of dollars]

	By fiscal years				
	1987	1988	1989	1990	1991
Institute of Native American Culture and Arts Development:					
Estimated authorization level	4	4	4	5	5
Estimated outlays	2	4	4	5	5

Basis of estimate

This bill authorizes funds for the Institute of Native American Culture and Arts Development (currently the Institute of American Indian Arts under the direction of the Bureau of Indian Affairs), and confers upon it agency status.

The 1987 authorization level for the institute is stated in the bill. The outyear estimates reflect this level adjusted for inflation.

Outlay estimates were made assuming full appropriation of estimated authorization levels. Outlays reflect the current spending pattern of Indian education programs.

6. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be affected directly by the enactment of this bill.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Ken Pott.
10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

EXECUTIVE COMMUNICATIONS

The Committee had not received a report from the Administration on S. 1622 at the time this bill report was prepared.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 1622, as amended, will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 1622 as amended.

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